

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA, )  
v. )  
Plaintiff, ) ) CRIMINAL NO. SA-23-CR-00598-FB  
 )  
 )  
(1) ALCAPONE MAXIMUS PENA, )  
(2) NATHAN TYLER PADILLA, )  
(3) ADRIAN LUIS FERNANDEZ, )  
 )  
Defendants. )

**BILL OF PARTICULARS FOR FORFEITURE OF PROPERTIES**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files the following Bill of Particulars for Forfeiture of Properties.

The Indictment (Doc. 20) gave notice that the United States seeks the criminal forfeiture of properties pursuant to Title 18 U.S.C. § 924(d)(1) and Title 26 U.S.C. § 5872(a) made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c) and pursuant to 18 U.S.C. § 934(a)(1)(A) and (B) from Defendants. Specifically, this Bill of Particulars seeks the criminal forfeiture of properties which are included herein.

The United States hereby gives notice that it seeks the criminal forfeiture of certain properties from the Defendants for the violations of Title 18 U.S.C. §§ 922(g)(1), (o), (j), and 933(a) and Title 26 U.S.C. § 5861(d), as follows:

**NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE**  
[See Fed. R. Crim. P. 32.2]

**I.**

**Firearm Violations and Forfeiture Statutes**

[Title 18 U.S.C. §§ 922(g)(1), (o), (j), and 933(a) subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violations set forth in Counts One through Four, Six, and Seven, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of certain property upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

**Title 18 U.S.C. § 924. Penalties**

**(d)(1)** Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . (j) . . . (o) . . . of section 922 . . . or 933 . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

**II.**

**Firearm Violation and Forfeiture Statutes**

**[Title 18 U.S.C. § 933(a) subject to forfeiture pursuant to  
Title 18 U.S.C. § 934(a)(1)(A) and (B)]**

As a result of the criminal violation set forth in Count One, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of certain property upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 934(a)(1)(A) and (B), which state:

**Title 18 U.S.C. § 934. Forfeiture and Fines.**

**(a) Forfeiture. --**

**(1) In general.** -- Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law--

- (A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and
- (B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation . . .

**III.**

**Unregistered Possession Violations and Forfeiture Statutes**

**[Title 26 U.S.C. § 5861(d), subject for forfeiture pursuant to Title 26 U.S.C. § 5872(a), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]**

As a result of the criminal violation set forth in Count Five, the United States of America gives notice to the Defendants of its intent to seek the forfeiture of property, including the items listed below, upon conviction and as part of sentencing, pursuant to FED. R. CRIM. P. 32.2 and Title

18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states the following:

**Title 26 U.S.C. § 5872. Forfeitures**

**(a) Laws applicable.**—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture . . . .

**IV.**  
**Personal Property**

This Notice of Demand for Forfeiture includes, but is not limited to, the following property:

1. Glock model 19 Gen 4 pistol, 9x19 mm caliber, serial number BHSS350;
2. Glock model 19 Gen 4 pistol, 9x19 mm caliber, serial number BDHW127;
3. Glock model 43 pistol, 9x19 mm caliber, serial number ZXN742 ;
4. Glock model 27 pistol, .40 caliber, serial number WAF087;
5. Glock model 19X pistol, 9x19 mm caliber, serial number BXHC553;
6. Glock model 43X pistol, 9x19 mm caliber, serial number BUEN186;
7. Sig Sauer P225 pistol, 9 caliber, serial number M585471;
8. Beretta USA Corp 21A pistol, 22 caliber, serial number BES73154U; and
9. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

**V.**  
**Currency**

\$8,033.00, more or less in United States Currency.

Respectfully submitted,

By: /s/  
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Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2024, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participants:

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/s/  
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